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DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CARIN R. PFUHL,
Plaintiff,

CV-S-01-0144-RLH-LRL

vs.

CHASE MANHATTAN MORTGAGE
CORPORATION, a New Jersey
corporation, qualified to do
business in the State of
Nevada,

Defendant.

SIX PERSON JURY DEMANDED

LAW OFFICES

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COMPLAINT

1. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681p. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

2. The Plaintiff brings this action for damages based upon Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C. Section 1681 et seq. (hereinafter referred as the "FCRA"). Plaintiff seeks actual damages, punitive damages, costs and attorney's fees.

1 3. Plaintiff is a natural person and is a resident and a
2 citizen of the State of Nevada and of the United States. Plaintiff
3 is a "consumer" as defined by § 1681a(c) of the FCRA.

4 4. The Defendant, Chase Manhattan Mortgage Corporation,
5 (hereinafter referred to as "User") is a foreign corporation with
6 its principal place of business in New Jersey.

7
8 **CAUSE OF ACTION**

9 **Statement of Facts**

10 5. During October, 2000, Plaintiff and Defendant were
11 ensconced in a litigation arising from the April, 1998, death of
12 Plaintiff's father, John O'Toole.

13 6. The parties were involved in settlement negotiations.

14 7. On October 7, 2000, in an effort to gain an unfair
15 advantage over Plaintiff, the Defendant illegally accessed
16 Plaintiff's Trans Union LLC Consumer Credit Profile.

17 8. A copy of the relevant page of Plaintiff's Trans Union
18 LLC Profile, dated January 26, 2001, is attached as Exhibit 1.

19 9. The referenced inquiry has become a permanent component
20 of the Plaintiff's credit profile and is reported to those who ask
21 to review the credit history of the Plaintiff.

22 10. Upon best information and belief, User agreed and
23 represented in its agreements with the various credit reporting
24 agencies that User would request and use consumer reports which
25 were obtained from said agencies only for purposes which are lawful
26 under the FCRA as defined under § 1681b.

27 . . .
28

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1 11. User was required pursuant to FCRA §§ 1681b(f), 1681n and
2 1681o to refrain from obtaining consumer reports from credit
3 reporting agencies under false pretenses.

4 12. At no time material hereto did Plaintiff ever have a
5 relationship of any kind with User as defined under FCRA
6 § 1681b(a)(3)(A)-(F).

7 13. User has never ever been ordered by a court of competent
8 jurisdiction to issue a consumer report pursuant to FCRA
9 § 1681b(a)(1). Plaintiff has never knowingly given written
10 instructions to User to obtain and/or release to a third party a
11 consumer report of which Plaintiff was the subject pursuant to FCRA
12 § 1681b(a)(2).

13 14. User had an affirmative duty to follow reasonable
14 procedures, including those that would prevent the impermissible
15 accessing of consumer reports.

16 15. Reasonable procedures for users include restricting the
17 ability of its agents to obtain consumer reports on consumers for
18 any impermissible purpose.

19 16. Upon best information and belief, User's illegal and
20 surreptitious acquisition of Plaintiff's credit reports derived
21 from an interest and priority well beyond the scope of the FCRA.

22 17. User has, upon best information and belief, compromised
23 its relationship with the various credit reporting agencies in
24 falsifying the basis upon which Plaintiff's report was obtained.

25 18. User has compromised Plaintiff's access to credit in
26 imparting to past, present and future credit grantors that
27 Plaintiff has applied for credit in tandem with a relationship with
28 User.

Statement of Claim

19. Defendant/User willfully and/or negligently violated the provisions of the FCRA in the following respects:

a. User has falsely, purposely, surreptitiously and maliciously obtained the Plaintiff's credit reports in violation of FCRA § 1681b(f).

b. User has falsely, purposely, surreptitiously and maliciously obtained the Plaintiff's credit reports in violation of FCRA § 1681n.

c. User has obtained the Plaintiff's credit reports in violation of FCRA § 1681o.

PRAYER FOR RELIEF

THEREFORE, Plaintiff prays that the court grant:

a) actual damages;

b) punitive damages;

. . .

. . .

. . .

. . .

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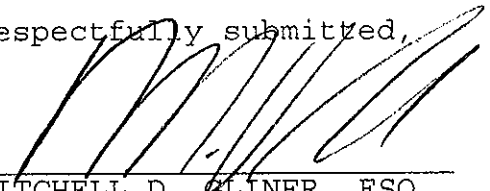
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1 c) attorney's fees; and

2
3 e) costs.

4 Respectfully submitted,

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6
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8 Nevada Bar #003419
9 3017 West Charleston Boulevard
10 Suite 95
11 Las Vegas, NV 89102
12 Attorney for Plaintiff

13 LAW OFFICES

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EXHIBITS

REPORT ON: PFUHL, KAREN R. PAGE 7 OF 8
 SOCIAL SECURITY NUMBER: 545-31-1129

ACCOUNT INFORMATION, CONT.

DC729D011
 MACYW/GECCCC # 578055355530 INSTALLMENT ACCOUNT
 CHARGE ACCOUNT
 UPDATED 07/2000 BALANCE: \$0 INDIVIDUAL ACCOUNT
 OPENED 11/1990 MOST OWED: \$653 PAY TERMS: 10 MONTHLY
 CLOSED 08/1996 CREDIT LIMIT: \$500
 STATUS AS OF 08/1996: PAID OR PAYING AS AGREED
 IN PRIOR 01 MONTH FROM DATE CLOSED NEVER LATE

DC729D012
 MACYW/GECCCC # 572970186830 INSTALLMENT ACCOUNT
 ACCOUNT CLOSED BY CONSUMER CHARGE ACCOUNT
 UPDATED 07/2000 BALANCE: \$0 JOINT ACCOUNT
 OPENED 02/1982 MOST OWED: \$832 PAY TERMS: 10 MONTHLY
 CLOSED 06/1996
 STATUS AS OF 06/1996: PAID OR PAYING AS AGREED
 IN PRIOR 01 MONTH FROM DATE CLOSED NEVER LATE

BC152B021
 FCNB-SPIEGEL # 2417151087 REVOLVING ACCOUNT
 CHARGE ACCOUNT
 UPDATED 02/2000 BALANCE: \$354 AUTHORIZED ACCOUNT
 OPENED 11/1999 MOST OWED: \$400 CREDIT LIMIT: \$400
 STATUS AS OF 02/2000: PAID OR PAYING AS AGREED
 IN PRIOR 14 MONTHS FROM DATE VERIF'D NEVER LATE

THE FOLLOWING COMPANIES HAVE RECEIVED YOUR CREDIT REPORT. THEIR
 INQUIRIES REMAIN ON YOUR CREDIT REPORT FOR TWO YEARS. (NOTE: TU CONSUMER
 DISCLOSURE INQUIRIES ARE NOT VIEWED BY CREDITORS.)

| DATE | INQUIRY TYPE | SUBSCRIBER NAME |
|--|--------------|---|
| 01/26/2001 | INDIVIDUAL | CONSUMER DISCLOSURE |
| 12/10/2000 | JOINT | 2901 EXPRESS MORTGAG VIA FACTUAL DATA-NATIONA |
| PERMISSIBLE PURPOSE = CREDIT TRANSACTION | | |
| 10/07/2000 | INDIVIDUAL | CHASE MANHATTAN BANK |
| 04/06/2000 | INDIVIDUAL | ROBINSONS MAY |
| 02/01/2000 | INDIVIDUAL | MBNA AMERICA |
| 10/06/1999 | INDIVIDUAL | ALLSTATE PHOENIX |
| PERMISSIBLE PURPOSE = INSURANCE UNDERWRITING | | |

EXHIBIT 1